IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 19686 of 1996

Between:

S. D.J. Prasada Rao, S/o. S. David,

R/o H.No.8-73, Alwal, Secunderabad.

..... PETITIONER

AND

1 Bharat Dynamics Limited, Kanchanbagh Post,

Hyderabad, Rep. by its Managing Director,
2 Manager, (P & A - R), Bharat Dynamic Limited,

Kanchangbagh, Hyderabad-500258.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pleased to issue an order, direction or writ one in the nature of writ of Mandamus or any other appropriate writ, (i) call for the records relating to the selection of Store Keeper posts held in the month of March, 1988 (ii) declaring the action of respondents, in no issuing appointment order to the petitioner as illegal arbitrary, malafide and unjustified (iii) and consequently direct the Respondents to appoint the petitioner to the post of Store Keeper on par with the candidates selected in March, 1988, together with all consequential benefits and pass appropriate orders.

Counsel for the Petitioner: MR.V.VISWANATHAM
Counsel for the Respondents: MR.A.KRISHNA MURTHY

The Court made the following:

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ORDER:

The petitioner is aggrieved that he has not been selected for appointment to the post of a Storekeeper and hence the writ petition.

The first respondent-Corporation, an instrumentality of the State, had requested the Zilla Sainik Board, Hyderabad, to forward the names of Ex-service men for filling up the posts of Storekeepers in the Corporation. The petitioner's name along with names of other Ex-service men was sponsored by the Sainik Board. A written test was conducted and interview held. The petitioner believed that he had fared exceedingly well at the selection. As he was not selected and five other individuals – Sarvasri (1) Choudary, (2) Suryanarayana, (3) K.Sathaiah, (4) Sarathi, (5) Rathaiah were selected, he has filed the writ petition claiming that he has superior experience, qualifications, and competence to hold the post than those individuals. He has however not chosen to implead any of those individuals. According to the petitioner, he has vast experience of "21 years in Store-keeping" and possesses a Post-Graduate Diploma in Materials Management from Bharatiya Vidyabhavan. In view of his extensive experience and

superior qualifications, *vis-à-vis* the selected individuals, he ought to have been preferred for appointment, is the substance of his contention.

The first respondent has filed a counter-affidavit stating that initially the answering respondent had notified two vacancies of Store Keeper 'B' and lateron the intake was increased to five. The selection process is by a written test, oral test and practical test. A selection Committee had also been constituted for the purpose of selection. Initially, 20 candidates were sponsored, of whom, 17 submitted themselves for the test including the petitioner. The selection Committee submitted its recommendations selecting five candidates on the basis of merit. The petitioner did not figure in such a list. It is categorically asserted in the counter-affidavit that the petitioner failed the test and did not acquire aggregate pass marks. His claim to having scored very well and to have come first is characterized in the counter-affidavit as a misconception. This Court has called for the records of selection and perused the same. The assertions in the counter-affidavit are borne out from the record. The petitioner secured low marks in the written test and overall did not secure the minimum requisite marks for selection to the post. His assumptions as to his superior merit are seen to be mis-conceived. This Court discerns no infirmity in the selection process. The writ petition is mis-conceived as is the relief sought.

The writ petition is accordingly dismissed. No costs.

(GODA RAGHURAM, J)

09.08.2004

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To

1 Bharat Dynamics Limited, Kanchanbagh Post,

Hyderabad, Rep. by its Managing Director,
2 Manager, (P & A - R), Bharat Dynamic Limited,

Kanchangbagh, Hyderabad-500258.

3 Two CD copies.